



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
BY EMAIL WHEN AVAILABLE

Registered Agents Inc.
Registered Agent for C6-Zero Iowa LLC
315 E. 5th Street, Suite 202
Waterloo, Iowa 50703

Re: C6-Zero Iowa LLC – Marengo, Iowa
Information Request Pursuant to the Clean Air Act, Clean Water Act, Comprehensive
Environmental Response, Compensation and Liability Act, and Resource Conservation and
Recovery Act

To Whom It May Concern:

The U.S. Environmental Protection Agency recently received information regarding a fire and explosion that occurred on December 8 and 9, 2022, at the C6-Zero Iowa, LLC, facility located at 810 East South Street in Marengo, Iowa. EPA Region 7 is issuing the enclosed Information Request to C6-Zero Iowa, LLC, pursuant to the authority of Sections 114(a)(1) of the Clean Air Act, 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, Section 3007(a) of the Resource Conservation and Recovery Act, and Section 308(a) of the Clean Water Act. The EPA is issuing this Information Request to obtain information regarding the circumstances of the incident and evaluate C6-Zero Iowa LLC's compliance with applicable statutory and regulatory requirements.

Section 114(a)(1) of the Clean Air Act, 42 U.S.C. § 7414(a), authorizes the EPA to require the submission of information for the purpose of carrying out any provision of the CAA. Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), authorizes the EPA to require any person to furnish information about: (1) the identification, nature and quantity of materials generated, treated, stored, disposed of, or transported to a facility; (2) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (3) the ability of a person to pay for or perform a cleanup. Section 3007(a) of RCRA, 42 U.S.C. § 6927(a), requires any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes to furnish information relating to such wastes. Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), authorizes EPA to require the submission of information for the purposes of carrying out the objectives of the CWA, including information to determine whether a person is in compliance with the CWA.

The enclosure with this correspondence contains instructions, followed by the requested information. Please carefully read and follow the instructions. Your response to this request is required within 20 calendar days of receipt.



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We strongly encourage you to provide an electronic response to this Information Request. Please direct your response to Dave Hensley at hensley.dave@epa.gov. If it is not possible to respond electronically, please mail your response to Mr. Hensley at the following address: ECAD/AB/CAPS, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas, 66219.

In accordance with the provisions of 40 C.F.R. § 2.203(b), C6-Zero Iowa LLC may assert a business confidentiality claim covering any proprietary, trade secret, or otherwise protected part of the information set forth in its response. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the provisions of 40 C.F.R. Part 2, Subpart B. If necessary, you will be asked to substantiate any claim of business confidentiality, and EPA will make a final determination as to the status of the information. If C6-Zero Iowa LLC does not assert a claim of business confidentiality at the time of submission of its response, such information may be made available to the public without further notice. Should you wish to assert a claim of confidentiality, contact EPA Region 7's Chemical Accident Prevention Provisions Document Control Officer, Jodi Harper, at harper.jodi@epa.gov or 913-551-7483 for instructions on how to transmit CBI documents and requirements for substantiation.

Please be advised that the failure to comply fully with this Information Request may subject C6-Zero Iowa LLC to substantial civil or criminal penalties under Section 114 of CAA, Section 309 of CWA, Section 104(e)(5) of CERCLA, Section 3008 of RCRA, and/or 18 U.S.C. §§ 1001 and 1341. Information provided may be used for all purposes authorized by the CAA, CWA, CERCLA, and RCRA.

This Information Request does not affect the obligation of C6-Zero Iowa LLC to comply with the CAA, CWA, CERCLA, RCRA or any other federal, state or local law. Please note that the EPA retains its authority to pursue appropriate enforcement actions, including penalties, for violations discovered as result of review of C6-Zero Iowa LLC's response to this letter, regardless of whether the violations were subsequently corrected.

The Paperwork Reduction Act, 44 U.S.C. Chapter 35, does not apply to the information requested herein.

Thank you for your attention to this important matter. If you have any questions regarding this letter, please contact Mr. Hensley at (913) 551-7768 or the e-mail address listed above.

Sincerely,

David Cozad
Director
Enforcement and Compliance Assurance Division

Enclosures

cc: Howard Brand
215 Maple Avenue
Florence, Colorado 81226

Timothy Dore, General Counsel, C6-Zero Iowa LLC
Tim.dore@c6-zero.com

Information Request
C6-Zero Iowa LLC – Marengo, Iowa

A. INSTRUCTIONS:

- 1) Please provide your response within twenty (20) calendar days of receipt of this Information Request. This deadline for submittal must be complied with unless a written extension or stay of the deadline for response has been provided by the EPA. Any request for an extension to the time limit for responding must be in writing and must be sent within five (5) calendar days of receipt of this information request. Please address the request to the person identified in the cover letter.
- 2) Perform a thorough and complete search for all information in the company's possession, custody, and/or control that is responsive to this Information Request. This includes all information that may be in the possession of a third party which C6-Zero Iowa LLC has the right or ability to obtain upon request or demand. This also includes the obligation to provide written descriptions of responsive information that are based on the personal knowledge of employees of C6-Zero Iowa LLC; including, but not limited to, yourself and other employees that worked at or supervised the operations of the referenced Facilities.
- 3) Provide a separate narrative response to each numbered question/request and subpart of a question/request set forth in this Information Request, and in accordance with any other instructions specifically set forth for that question.
- 4) Precede each answer with the number of the question/request to which it corresponds.
- 5) Identify the person(s) responding to each numbered question/request in this Information Request, including their name, title or position, and organization if other than C6-Zero Iowa LLC. Also identify all persons consulted in the preparation of each answer.
- 6) For each question/request in this Information Request, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question/request and provide true and accurate copies of all responsive documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide a narrative response to the question/request.)
- 7) For each document produced in response to the Information Request, indicate on the document, or in some other reasonable manner, the number of the question/request to which it responds.
- 8) If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- 9) If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- 10) If at any time after you submit your response, you find that any part of the information you submitted is incomplete, inaccurate, or misrepresents facts, you must notify the EPA immediately.

- 11) The information requested must be provided regardless of any claim that the information is confidential business information, proprietary, or trade secrets. C6-Zero Iowa LLC may assert a confidentiality claim covering part of or all the information requested, pursuant to 40 C.F.R. § 2.203(b). For specific instructions for how to prepare and transmit information claimed as confidential, contact the EPA Region 7 Chemical Accident Prevention Provisions Document Control Officer identified above. Information covered by such a claim will be disclosed by the EPA only to the extent and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice to C6-Zero Iowa LLC.
- 12) Please submit your response electronically if possible. If hard copy submittals are necessary, please do not submit documents in binders. All documents must be submitted in a legible and readable form.
- 13) Each transmittal of information provided by C6-Zero Iowa LLC in response to this Information Request shall be accompanied by a completed and signed Statement of Certification (attached hereto), signed by a responsible corporate officer for C6-Zero Iowa LLC.

B. DEFINITIONS:

For the purposes of this Information Request, the definitions set forth below shall apply and should be considered carefully as you prepare your responses. All terms used in this Information Request have their ordinary meaning unless such terms are defined in the CAA, CWA, CERCLA, or RCRA, or applicable implementing regulations.

- 1) “Document” or “documentation” means written documentation of any kind, including documentation solely in electronic form. It includes any document in the possession or control of C6-Zero Iowa LLC or in the possession or control of any person or entity hired by C6-Zero Iowa LLC. A copy of a document rather than the original may be provided.
- 2) The terms “person” or “persons” shall include an individual, corporation, partnership, association, state, municipality, political subdivision of a state, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
- 3) The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to the information requested.
- 4) The terms “you” or “your” as used in the attached letter and the Information Request, refer to, and shall mean, C6-Zero Iowa LLC and each company or corporation with which C6-Zero Iowa LLC is affiliated, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.
- 5) The term “facility” shall include all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with such person), and also includes the definition of “stationary source” as defined by 40 C.F.R. § 68.3. For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.
- 6) The term “incident” shall mean any release, threat of release, explosion, and/or fire that occurred at your facility and any substances released during or as a result of such an event.
- 7) The term “process” shall mean any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. Any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.
- 8) The term “release” shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing (including the abandonment or discarding of barrels, containers, and other closed receptacles) of an extremely hazardous or hazardous substance into the environment from a storage or process vessel.

C. INFORMATION REQUEST:

C6-Zero Iowa LLC is required to submit the following information regarding the facility located at 810 East South Street in Marengo, Iowa.

Information requested pursuant to Section 114 of the CAA:

- 1) Provide the name, title, email, phone number, and mailing address for the person to whom correspondence should be sent regarding the December 8-9, 2022, incident.
- 2) Describe the facility, e.g., explain what activities take place on-site and what substances are produced, processed, handled, and/or stored on-site. Include information regarding the duration of operations at the facility.
- 3) Submit process flow diagrams, piping and instrumentation diagrams (also known as P&ID's), and equipment layouts for the facility.
- 4) To what engineering standards is process equipment built?
- 5) Provide a Safety Data Sheet for each substance used at the facility and provide the maximum intended inventory of each substance.
- 6) Describe the method or source of information used to calculate the quantity of any Section 112(r) regulated substance(s).
- 7) Provide the composition of the solvent named Kaniksu, including proprietary components.
- 8) Provide purchase records of all chemicals and chemical components purchased for use at 810 East South Street in Marengo, Iowa in the last three years.
- 9) Provide all documents associated with the identification of hazards from the process related to the December 8-9, 2022 incident (e.g., hazard assessment, process hazard analysis, hazard review) conducted at the facility.
- 10) Describe the measures taken to design and maintain the facility in a way that minimizes the possibility of an accidental release.
- 11) Describe the measures taken to minimize the consequences of accidental releases which do occur (e.g., coordination with local responders).
- 12) What relevant industry codes, practices or consensus standards (for the process or facility as a whole, as well as for particular chemicals or pieces of equipment) does C6-Zero Iowa LLC follow?
- 13) Provide the operating procedures for the process.
- 14) In addition to the incident on December 8-9, 2022, provide a description of any other incidents that have occurred at your facility in the last 5 years, including the incident that reportedly occurred in October 2022.

- 15) With respect to the incidents in October 2022 and on December 8-9, 2022:
- Identify whether an investigation or audit was performed for the incident. Provide a copy of any report or other documentation describing the results of the investigation or audit.
 - Describe the measures taken to address the findings, conclusions or recommendations of any investigation or audit.
 - Describe any findings, conclusions, or recommendations that have not been addressed and what measures remain to be taken.
 - What process chemicals were released?
 - What were the root cause and contributing factors of the incident?
 - What was the quantity, extent and duration of the release?
 - Describe any property or equipment damage that resulted from the incident.
 - What emergency response measures were taken to stop and/or to minimize hazards from the incident?
- 16) Provide any hot work permits active at the time of the incidents in October 2022 and on December 8-9, 2022.
- 17) Did anyone at the facility perform any air monitoring before, during, or after the October 2022 and December 8-9, 2022, incidents, including any routine monitoring? If so, provide the results.
- 18) Identify and provide copies of any operating procedures, maintenance procedures, or manufacturer's recommendations related to the October 2022 and December 8, 2022, incidents, including equipment maintenance activities, operating activities, and personnel activities involved in the events.
- 19) Have any local, state, or federal agencies conducted an investigation or requested information regarding the October 2022 or December 8-9, 2022 incidents? If so, please provide the name and contact information for each agency that conducted an inspection or requested information.
- 20) Indicate all environmental effects that occurred as a result of the December 8-9, 2022 incident, including but not limited to fish kills, vegetation damage, soil removal, groundwater contamination, wildlife kills, etc.
- 21) Estimate the dollar amount of property damage that occurred as a result of the December 8-9, 2022 incident as follows:
- On-site; and
 - Off-site.
- 22) Provide any local, state, or federal air permits for the facility or documentation of the facility's exemption from obtaining permits.
- 23) Provide the method of calculating volatile organic compound and hazardous air pollutant emissions for the facility. This should include:
- Background documents on emissions profiles for different types of enzymes used at the facility.
 - Reports from any performance tests conducted.
 - Any engineering evaluations conducted regarding VOC and HAP emissions.

24) Describe how C6-Zero Iowa LLC ensures that no material containing asbestos is received or processed.

Information requested pursuant to Sections 104(b) and (e) of CERCLA:

25) List federal, state and local authorities notified (e.g., NRC, EPA Regional Office, SERC, LEPC, Police, Fire Department, 911) of the December 8-9, 2022 incident: Please include all notifications made by you concerning this release during and after the release or during multi-day releases. For multi-day events, provide information for every day of release. Provide as an attachment any and all documentation regarding notification made to the agencies.

AGENCY	DATE (mm/dd/yy)	TIME 24 Hour Clock (Please specify time zone)	PERSON CONTACTED

26) Provide the name, title and contact information of the individuals who made the notification to agencies listed in the question above.

27) Indicate the weather conditions at the time of the incident (approximations are acceptable). Identify the source of the information.

Source of Information:			
Wind Speed (miles per hour):		Temperature (Fahrenheit):	
Wind Direction (from):		Precipitation:	
Relative Humidity:		Cloud Cover:	

28) Indicate the number of persons injured, hospitalized and fatalities that occurred as a result of the incident:

	Injuries	Hospitalized	Fatalities
Facility Employees:			
Contractors:			
General Public:			
Responders:			

29) Please provide the facility's OSHA 300 log for the year covering the incident, if you are required to maintain one.

30) Indicate the number of persons evacuated and/or sheltered in-place as a result of the incident:

	Evacuated	Sheltered In Place
Facility Employees:		
Contractors:		
General Public:		

31) How was the number of persons evacuated and/or sheltered in-place as a result of the incident obtained?

32) What actions did the facility take between the time the incident was initially detected and the time that federal, state, and local officials (NRC, SERC and LEPC) were notified?

33) Describe where the incident occurred and attach a map or diagram (to scale) of the facility showing facility boundaries and buildings and identifying the location and path of migration of the release. Where did the release occur, indoors or outdoors? For indoor releases, was the entire release captured inside the building during the entire incident? If yes, explain how.

34) Did any quantity of the released material migrate off the facility boundaries? (Please note that releases to the air should be assumed to migrate off the facility boundaries.) If not, explain how this was accomplished.

35) Has this facility submitted a Continuous Release Report pursuant to EPCRA § 304 and CERCLA § 103 for this substance? If yes, what was the total annual amount of the substance(s) released in the previous year (in pounds)? If yes, what are the upper and lower bounds of the normal range of the release (in pounds or kilograms)? If yes, what is the Continuous Release case number assigned by the National Response Center (NRC)?

36) Did the facility receive any inquiries or complaints from off-site sources regarding the incident?

37) Was a written follow-up notice provided to the LEPC and SERC? If so, when was it sent? Please provide a copy(s) of the written follow-up notice.

- 38) Did any released material reach a wastewater treatment plant? Is the treatment plant on-site or off-site? If off-site, provide the name and location of this water treatment plant. If off-site, does your facility have a pretreatment permit? Provide a copy of that permit.
- 39) Provide the name and location of any waterway (river, stream, creek, lake or pond) potentially impacted, including tributaries, drainage ditches or storm sewers. Was any water present in the waterway (creek, drainage ditch or storm sewer) at the time of the incident?
- 40) What was the amount of the released material deposited on the adjoining shoreline and/or in the above-named waterway, ditch or storm sewer?
- 41) Prior to December 8, 2022, had local emergency responders requested information on chemicals used at the facility? If so, what information was shared with local responders?

Information requested pursuant to Section 3007 of RCRA:

- 42) What solvent(s) are used in the process? Is this/are these virgin products? How is spent solvent handled? How much spent solvent has been disposed of since operations began?
- 43) How are wastes from shingle feedstock (e.g., staples, nails, wood) handled? Do any of these wastes contain solvent residue?
- 44) Provide all records of all solid waste disposal contracts and events.
- 45) Provide the inventory of all solid wastes disposed of.
- 46) Provide sale records for recovered fiberglass, granules, and oils.
- 47) Provide waste determinations and disposal records for cleanup from the December 8-9, 2022, incident. This includes soil, trash, building structural components, equipment, products, raw materials, and any other discarded materials or items.

Information requested pursuant to Section 308(a) of the Clean Water Act:

- 48) Provide the total volume of aboveground oil storage capacity at the facility.
- 49) Provide the following information for each of the oil storage containers with a capacity equal to or greater than 55 gallons at the facility, including, but not limited to, tanks, drums, totes, appurtenances (including piping, valves, pumps, and transfer or dispensing devices), containers and other equipment, including oil-filled operational equipment (such as generators and/or engines not used for motive power, used oil burners) and oil-filled manufacturing equipment (flow-through process equipment):
- The type of construction and configuration;
 - Capacity;
 - Contents of the container;
 - The age and date each container was first put into service (applicable to tanks put into service at another facility prior to installation and commissioning at the facility); and,
 - The age and date of installation of each container at the facility.

- 50) State whether a Certification of Applicability of Substantial Harm Criteria, as found in Appendix C to 40 C.F.R. Part 112, has been completed for the facility. If so, provide the certification.
- 51) State whether the facility has prepared a Spill Prevention, Control and Countermeasure (SPCC) Plan in accordance with the oil pollution prevention regulations at 40 C.F.R. Part 112. If so, provide a copy of the SPCC Plan. Specify the date it was first prepared, and provide amendments to the Plan, if any, that became effective within the last five years.
- 52) Identify the containment and/or diversionary structures or equipment that are provided to prevent a discharge of oil as described in 40 C.F.R. § 112.1(b). State whether the entire containment system, including walls and floors, are capable of containing oil and are constructed to prevent escape of a discharge from the containment system before cleanup occurs.
- 53) Identify which of the following are present at the facility and describe the containment and/or diversionary structures or equipment for each:
- a. Bulk storage containers;
 - b. Mobile/portable containers;
 - c. Oil-filled operational equipment (as defined in § 112.2);
 - d. Other oil-filled equipment (i.e., manufacturing equipment, flow-through process equipment);
 - e. Piping and related appurtenances;
 - f. Mobile refuelers or non-transportation related tank cars;
 - g. Transfer areas, equipment, and activities;
 - h. Identify any other equipment or activities that are not already listed.
- 54) For diked areas of aboveground storage of oil, describe whether drain valves are present, and whether they are manual, open-and-closed design. If drainage is release directly to a watercourse describe whether retained stormwater is inspected and discharged per 40 C.F.R. §§ 112.8(c)(3)(ii), (iii), and (iv).
- 55) For all undiked areas of aboveground storage of oil, describe whether drainage from undiked area(s) is designed to flow into ponds, lagoons, or catchment basins to retain oil or return it to the facility. If a catchment basin is provided, state whether it is located away from a flood area.
- 56) If the facility drainage is not engineered, describe whether the facility is equipped with a diversion system to retain oil in the facility in the event of an uncontrolled discharge.
- 57) State whether the bulk storage containers utilized for the storage of oil are of compatible material and construction with the contents stored and the conditions of storage such as pressure and temperature.
- 58) State whether the bulk storage containers were designed for the aboveground storage of fuels and/or oils.

- 59) Identify whether any bulk storage container areas have been constructed with secondary containment that is not adequate to contain the capacity of the largest container and sufficient freeboard for precipitation.
- 60) Provide secondary containment calculations for all bulk storage containers of aboveground storage of oil.
- 61) State whether the diked areas are sufficiently impervious to contain discharged oil; or, if any discharge to a drainage trench system will be safely confined in a facility catchment basin or holding pond.
- 62) State whether each aboveground container has been tested and/or inspected for integrity on a regular schedule and identify whether material repairs have been made pursuant to § 112.8(c)(6), provide records of completed integrity testing, and provide a schedule of tanks to have integrity testing completed.
- 63) State whether each aboveground container is equipped with at least one liquid level sensing device pursuant to § 112.12(c)(8). State how the liquid level sensing device is tested to ensure proper operation and provide the date of the last test pursuant to § 112.8(c)(8)(v). If any aboveground storage container is not so equipped, identify the container by name/storage capacity.
- 64) Identify water bodies that receive surface water runoff or drainage from the facility and the distance from the facility to each water body.
- 65) Identify all storm drains, drainage ditches, and other storm drainage structures within a quarter mile of the facility. In addition, identify water bodies into which the storm water flows.
- 66) State whether there is drainage of accumulated, uncontaminated rainwater or surface water runoff from diked areas into a storm drain or an open watercourse.
- 67) Provide copies of the last three years of the facility's inspection records, as required by 40 C.F.R. §§ 112.7(e), 112.8(c)(6), and 112.8(d)(4), and 112.7(k).
- 68) Provide copies of the last three years of records for personnel training and discharge prevention procedures as described in 40 C.F.R. § 112.7(f)(1), (2), and (3).

STATEMENT OF CERTIFICATION

C6-Zero Iowa LLC is submitting the enclosed documents in response to the EPA's Request for Information to determine compliance with the Clean Air Act, Clean Water Act, Comprehensive Environmental Response, Compensation and Liability Act, and Resource Conservation and Recovery Act.

I, _____, am authorized to represent C6-Zero Iowa LLC.

I certify under penalty of law that I have personally examined and am familiar with, the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, correct, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fine or imprisonment.

Date: _____

Signature: _____

Title _____